

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

SHERRI L. DEEM, individually and as
Personal Representative of the Estate of
THOMAS A. DEEM, deceased,

Plaintiff,

v.

**ARMSTRONG INTERNATIONAL,
INC.;**

**ANCHOR/DARLING VALVE
COMPANY;**

BW/IP, INC.,

individually and as successor-in-interest
to BYRON JACKSON PUMPS;

BLACKMER PUMP COMPANY;

CLARK-RELIANCE CORPORATION,

individually, and as successor-in-interest
to JERGUSON GAGE & VALVE
COMPANY;

CLEAVER-BROOKS, INC.,

f/k/a AQUA-CHEM, INC. d/b/a
CLEAVER-BROOKS DIVISION;

CROSBY VALVE, LLC;

FLOWERVE CORPORATION,

individually and as successor-in-interest
to ANCHOR/DARLING VALVE
COMPANY;

No.

COMPLAINT FOR WRONGFUL
DEATH

JURY TRIAL DEMAND

1 FLOWSERVE US, INC.,
as successor-in-interest to EDWARD
2 VALVES, INC.;
3 FMC CORPORATION,
individually and as successor-in-interest
4 to NORTHERN PUMPS;
GARDNER DENVER, INC.;
5 GOULDS PUMPS, INC.;
GRINNELL LLC,
6 d/b/a GRINNELL CORPORATION;
HOPEMAN BROTHERS, INC.;
7 ITT, LLC,
f/k/a ITT CORPORATION, ITT
8 INDUSTRIES INC., ITT FLUID
9 PRODUCTS CORP., HOFFMAN
10 SPECIALITY MFG. CORP., BELL and
GOSSETT COMPANY and ITT
11 MARLOW;
INGERSOLL-RAND COMPANY;
12 JERGUSON GAGE & VALVE
COMPANY,
13 d/b/a CLARK-RELIANCE
CORPORATION;
14 JOHN CRANE, INC.;
MCNALLY INDUSTRIES, LLC,
Individually and as successor-in-interest
15 to NORTHERN FIRE APPARATUS;
VELAN VALVE CORP.;
17 VIAD CORP.,
f/k/a THE DIAL CORPORATION,
18 individually and as successor to
19 GRISCOM RUSSELL COMPANY;
VIKING PUMP, INC.;
20 WEIR VALVES & CONTROLS USA,
INC.,
individually and as successor-in-interest
21 to ATWOOD & MORRILL CO., INC.;
22 THE WILLIAM POWELL COMPANY;

23 Defendants.

I. CIVIL ACTION COMPLAINT

PLAINTIFF, Sherri L. Deem, individually and as Personal Representative of the Estate of Thomas A. Deem, sues the above-named Defendants for compensatory and punitive damages, by and through her attorneys, Schroeter, Goldmark, & Bender, and hereby brings this Civil Action Complaint, and alleges:

II. PARTIES

1. The Plaintiff, Sherri L. Deem ("Plaintiff") is a citizen of the State of Washington where Thomas A. Deem was exposed to asbestos during the course of his career.

2. Defendant, ARMSTRONG INTERNATIONAL, INC., was and is a company incorporated under the laws of the State of Michigan with its principal place of business in Michigan. At all times material hereto, ARMSTRONG INTERNATIONAL, INC. mined, manufactured, processed, imported, converted, compounded, supplied, installed, replaced, repaired, used, and/or retailed substantial amounts of asbestos and/or asbestos-containing products, materials, or equipment, including, but not limited to, asbestos-containing Armstrong steam traps and strainers. In addition, at all times material hereto, ARMSTRONG INTERNATIONAL, INC. manufactured, processed, imported, converted, compounded, supplied, installed, replaced, repaired, used, and/or retailed products, materials, or equipment that required asbestos in order to operate, for which concurrent use of asbestos was specified, or for which it was known asbestos would be used concurrently. ARMSTRONG INTERNATIONAL, INC. has done and does business in the State of Washington.

3. Defendant, ANCHOR/DARLING VALVE COMPANY, was and is a company incorporated under the laws of the State of Pennsylvania with its principal place of

1 business in Pennsylvania. At all times material hereto, ANCHOR/DARLING VALVE
2 COMPANY mined, manufactured, processed, imported, converted, compounded, supplied,
3 installed, replaced, repaired, used, and/or retailed substantial amounts of asbestos and/or
4 asbestos-containing products, materials, or equipment, including, but not limited to, asbestos-
5 containing Anchor/Darling valves. In addition, at all times material hereto,
6 ANCHOR/DARLING VALVE COMPANY, manufactured, processed, imported, converted,
7 compounded, supplied, installed, replaced, repaired, used, and/or retailed products, materials,
8 or equipment that required asbestos in order to operate, for which concurrent use of asbestos
9 was specified, or for which it was known asbestos would be used concurrently.
10 ANCHOR/DARLING VALVE COMPANY has done and does business in the State of
11 Washington.
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14 4. Defendant, BW/IP, INC., individually and as successor-in- interest to
15 BYRON JACKSON PUMPS, was and is a company incorporated under the laws of the State
16 of Delaware with its principal place of business in Texas. At all times material hereto,
17 BW/IP, INC., individually and as successor-in- interest to BYRON JACKSON PUMPS,
18 mined, manufactured, processed, imported, converted, compounded, supplied, installed,
19 replaced, repaired, used, and/or retailed substantial amounts of asbestos and/or asbestos-
20 containing products, materials, or equipment, including, but not limited to, asbestos-
21 containing Byron Jackson pumps. In addition, at all times material hereto, BW/IP, INC.,
22 individually and as successor-in- interest to BYRON JACKSON PUMPS, manufactured,
23 processed, imported, converted, compounded, supplied, installed, replaced, repaired, used,
24 and/or retailed products, materials, or equipment that required asbestos in order to operate,
25 for which concurrent use of asbestos was specified, or for which it was known asbestos
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1 would be used concurrently. BW/IP, INC., individually and as successor-in- interest to
2 BYRON JACKSON PUMPS has done and does business in the State of Washington.

3 5. Defendant, BLACKMER PUMP COMPANY was and is a company
4 incorporated under the laws of the State of Delaware with its principal place of business in
5 Michigan. At all times material hereto, BLACKMER PUMP COMPANY mined,
6 manufactured, processed, imported, converted, compounded, supplied, installed, replaced,
7 repaired, used, and/or retailed substantial amounts of asbestos and/or asbestos-containing
8 products, materials, or equipment, including, but not limited to, asbestos-containing
9 Blackmer pumps. In addition, at all times material hereto, BLACKMER PUMP COMPANY
10 manufactured, processed, imported, converted, compounded, supplied, installed, replaced,
11 repaired, used, and/or retailed products, materials, or equipment that required asbestos in
12 order to operate, for which concurrent use of asbestos was specified, or for which it was
13 known asbestos would be used concurrently. BLACKMER PUMP COMPANY has done
14 and does business in the State of Washington.

17 6. Defendant, CLARK-RELIANCE CORPORATION, individually and as
18 successor-in-interest to JERGUSON GAGE & VALVE COMPANY, was and is a company
19 incorporated under the laws of the State of Delaware with its principal place of business in
20 Ohio. At all times material hereto, CLARK-RELIANCE CORPORATION, individually and
21 as successor-in-interest to JERGUSON GAGE & VALVE COMPANY, mined,
22 manufactured, processed, imported, converted, compounded, supplied, installed, replaced,
23 repaired, used, and/or retailed substantial amounts of asbestos and/or asbestos-containing
24 products, materials, or equipment, including, but not limited to, asbestos-containing Jerguson
25 boiler, gauge and valve glasses. In addition, at all times material hereto, CLARK-
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1 RELIANCE CORPORATION, individually and as successor-in-interest to JERGUSON
2 GAGE & VALVE COMPANY, manufactured, processed, imported, converted,
3 compounded, supplied, installed, replaced, repaired, used, and/or retailed products, materials,
4 or equipment that required asbestos in order to operate, for which concurrent use of asbestos
5 was specified, or for which it was known asbestos would be used concurrently. CLARK-
6 RELIANCE CORPORATION, individually and as successor-in-interest to JERGUSON
7 GAGE & VALVE COMPANY, has done and does business in the State of Washington.
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9 7. Defendant, CLEAVER-BROOKS, INC., f/k/a AQUA-CHEM, INC. d/b/a
10 CLEAVER-BROOKS DIVISION, was and is a company incorporated under the laws of the
11 State of Delaware with its principal place of business in Georgia. At all times material
12 hereto, CLEAVER-BROOKS, INC., f/k/a AQUA-CHEM, INC. d/b/a CLEAVER-BROOKS
13 DIVISION, mined, manufactured, processed, imported, converted, compounded, supplied,
14 installed, replaced, repaired, used, and/or retailed substantial amounts of asbestos and/or
15 asbestos-containing products, materials, or equipment, including, but not limited to, asbestos-
16 containing Cleaver-Brooks boilers. In addition, at all times material hereto, CLEAVER-
17 BROOKS, INC., f/k/a AQUA-CHEM, INC. d/b/a CLEAVER-BROOKS DIVISION,
18 manufactured, processed, imported, converted, compounded, supplied, installed, replaced,
19 repaired, used, and/or retailed products, materials, or equipment that required asbestos in
20 order to operate, for which concurrent use of asbestos was specified, or for which it was
21 known asbestos would be used concurrently. CLEAVER-BROOKS, INC., f/k/a AQUA-
22 CHEM, INC. d/b/a CLEAVER-BROOKS DIVISION, has done and does business in the
23 State of Washington.
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1 8. Defendant, CROSBY VALVE, LLC, was and is a limited liability company
2 incorporated under the laws of the State of Nevada with its principal place of business in
3 Missouri. CROSBY VALVE LLC's only member is The J.R. Clarkson Company LLC, a
4 limited liability company incorporated under the laws of the State of Nevada with its
5 principal place of business in Missouri. At all times material hereto, CROSBY VALVE,
6 LLC, mined, manufactured, processed, imported, converted, compounded, supplied,
7 installed, replaced, repaired, used, and/or retailed substantial amounts of asbestos and/or
8 asbestos-containing products, materials, or equipment, including, but not limited to, asbestos-
9 containing Crosby valves. In addition, at all times material hereto, CROSBY VALVE, LLC,
10 individually and as successor in interest to CROSBY VALVE, LLC, manufactured,
11 processed, imported, converted, compounded, supplied, installed, replaced, repaired, used,
12 and/or retailed products, materials, or equipment that required asbestos in order to operate,
13 for which concurrent use of asbestos was specified, or for which it was known asbestos
14 would be used concurrently. CROSBY VALVE, LLC, individually and as successor in
15 interest to CROSBY VALVE, LLC, has done and does business in the State of Washington.

18 9. Defendant, FLOWSERVE CORPORATION, individually and as successor-
19 in-interest to ANCHOR/DARLING VALVE COMPANY, was and is a company
20 incorporated under the laws of the State of New York with its principal place of business in
21 Texas. At all times material hereto, FLOWSERVE CORPORATION, individually and as
22 successor-in-interest to ANCHOR/DARLING VALVE COMPANY, mined, manufactured,
23 processed, imported, converted, compounded, supplied, installed, replaced, repaired, used,
24 and/or retailed substantial amounts of asbestos and/or asbestos-containing products,
25 materials, or equipment, including, but not limited to, asbestos-containing Durco pumps and
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1 valves as well as Anchor/Darling valves. In addition, at all times material hereto,
2 FLOWSERVE CORPORATION, individually and as successor-in-interest to
3 ANCHOR/DARLING VALVE COMPANY, manufactured, processed, imported, converted,
4 compounded, supplied, installed, replaced, repaired, used, and/or retailed products, materials,
5 or equipment that required asbestos in order to operate, for which concurrent use of asbestos
6 was specified, or for which it was known asbestos would be used concurrently.
7 FLOWSERVE CORPORATION, individually and as successor-in-interest to
8 ANCHOR/DARLING VALVE COMPANY, has done and does business in the State of
9 Washington.
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11 10. Defendant, FLOWSERVE US, INC., as successor-in-interest to EDWARD
12 VALVES, INC., was and is a company incorporated under the laws of the State of Delaware
13 with its principal place of business in Texas. At all times material hereto, FLOWSERVE US,
14 INC., as successor-in-interest to EDWARD VALVES, INC., mined, manufactured,
15 processed, imported, converted, compounded, supplied, installed, replaced, repaired, used,
16 and/or retailed substantial amounts of asbestos and/or asbestos-containing products,
17 materials, or equipment, including, but not limited to, asbestos-containing Edward valves. In
18 addition, at all times material hereto, FLOWSERVE US, INC., as successor-in-interest to
19 EDWARD VALVES, INC., manufactured, processed, imported, converted, compounded,
20 supplied, installed, replaced, repaired, used, and/or retailed products, materials, or equipment
21 that required asbestos in order to operate, for which concurrent use of asbestos was specified,
22 or for which it was known asbestos would be used concurrently. FLOWSERVE US, INC.,
23 as successor-in-interest to EDWARD VALVES, INC., has done and does business in the
24 State of Washington.
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1 11. Defendant, FMC CORPORATION, individually and as successor-in-interest
2 to NORTHERN PUMPS, was and is a company incorporated under the laws of the State of
3 Delaware with its principal place of business in Pennsylvania. At all times material hereto,
4 FMC CORPORATION, individually and as successor-in-interest to NORTHERN PUMPS,
5 mined, manufactured, processed, imported, converted, compounded, supplied, installed,
6 replaced, repaired, used, and/or retailed substantial amounts of asbestos and/or asbestos-
7 containing products, materials, or equipment, including, but not limited to, asbestos-
8 containing Northern pumps. In addition, at all times material hereto, FMC CORPORATION,
9 individually and as successor-in-interest to NORTHERN PUMPS, manufactured, processed,
10 imported, converted, compounded, supplied, installed, replaced, repaired, used, and/or
11 retailed products, materials, or equipment that required asbestos in order to operate, for
12 which concurrent use of asbestos was specified, or for which it was known asbestos would be
13 used concurrently. FMC CORPORATION, individually and as successor-in-interest to
14 NORTHERN PUMPS, has done and does business in the State of Washington.

17 12. Defendant, GARDNER DENVER, INC., was and is a company incorporated
18 under the laws of the State of Delaware with its principal place of business in Wisconsin. At
19 all times material hereto, GARDNER DENVER, INC. mined, manufactured, processed,
20 imported, converted, compounded, supplied, installed, replaced, repaired, used, and/or
21 retailed substantial amounts of asbestos and/or asbestos-containing products, materials, or
22 equipment, including, but not limited to, asbestos-containing Gardner Denver compressors
23 and pumps. In addition, at all times material hereto, GARDNER DENVER, INC.
24 manufactured, processed, imported, converted, compounded, supplied, installed, replaced,
25 repaired, used, and/or retailed products, materials, or equipment that required asbestos in
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1 order to operate, for which concurrent use of asbestos was specified, or for which it was
2 known asbestos would be used concurrently. GARDNER DENVER, INC. has done and
3 does business in the State of Washington.

4 13. Defendant, GOULDS PUMPS, INC., was and is a company incorporated
5 under the laws of the State of Delaware with its principal place of business in New York. At
6 all times material hereto, GOULDS PUMPS, INC. mined, manufactured, processed,
7 imported, converted, compounded, supplied, installed, replaced, repaired, used, and/or
8 retailed substantial amounts of asbestos and/or asbestos-containing products, materials, or
9 equipment, including, but not limited to, asbestos-containing Goulds pumps. In addition, at
10 all times material hereto, GOULDS PUMPS, INC. manufactured, processed, imported,
11 converted, compounded, supplied, installed, replaced, repaired, used, and/or retailed
12 products, materials, or equipment that required asbestos in order to operate, for which
13 concurrent use of asbestos was specified, or for which it was known asbestos would be used
14 concurrently. GOULDS PUMPS, INC. has done and does business in the State of
15 Washington.

16 14. Defendant, GRINNELL LLC, d/b/a GRINNELL CORPORATION, was and
17 is a limited liability company incorporated under the laws of the State of Delaware with its
18 principal place of business in Florida. GRINNELL LLC's only member is Tyco
19 International Management Control, a resident of Princeton, New Jersey. At all times material
20 hereto, GRINNELL LLC, d/b/a GRINNELL CORPORATION, mined, manufactured,
21 processed, imported, converted, compounded, supplied, installed, replaced, repaired, used,
22 and/or retailed substantial amounts of asbestos and/or asbestos-containing products,
23 materials, or equipment, including, but not limited to, asbestos-containing Grinnell valves,
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1 boilers and heaters. In addition, at all times material hereto, GRINNELL LLC, d/b/a
2 GRINNELL CORPORATION, manufactured, processed, imported, converted, compounded,
3 supplied, installed, replaced, repaired, used, and/or retailed products, materials, or equipment
4 that required asbestos in order to operate, for which concurrent use of asbestos was specified,
5 or for which it was known asbestos would be used concurrently. GRINNELL LLC, d/b/a
6 GRINNELL CORPORATION, has done and does business in the State of Washington.
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8 15. Defendant, HOPEMAN BROTHERS, INC., was and is a company
9 incorporated under the laws of the State of Virginia with its principal place of business in
10 Virginia. At all times material hereto, HOPEMAN BROTHERS, INC. mined, manufactured,
11 processed, imported, converted, compounded, supplied, installed, replaced, repaired, used,
12 and/or retailed substantial amounts of asbestos and/or asbestos-containing products,
13 materials, or equipment, including, but not limited to, asbestos-containing Asbestos Marinite
14 & Micarta board used for bulkheads on ships. In addition, at all times material hereto,
15 HOPEMAN BROTHERS, INC. manufactured, processed, imported, converted,
16 compounded, supplied, installed, replaced, repaired, used, and/or retailed products, materials,
17 or equipment that required asbestos in order to operate, for which concurrent use of asbestos
18 was specified, or for which it was known asbestos would be used concurrently. HOPEMAN
19 BROTHERS, INC. has done and does business in the State of Washington.
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22 16. Defendant, ITT, LLC, f/k/a ITT CORPORATION, ITT INDUSTRIES INC.,
23 ITT FLUID PRODUCTS CORP., HOFFMAN SPECIALTY MFG. CORP., BELL and
24 GOSSETT COMPANY and ITT MARLOW, was and is a limited liability company
25 incorporated under the laws of the State of Indiana with its principal place of business in
26 New York. After due diligence, Plaintiff was able to confirm with the Indiana Secretary of

1 State that ITT, LLC lists three principals, all of which are residents of the State of New York.
2 At all times material hereto, ITT, LLC, f/k/a ITT CORPORATION, ITT INDUSTRIES INC.,
3 ITT FLUID PRODUCTS CORP., HOFFMAN SPECIALTY MFG. CORP., BELL and
4 GOSSETT COMPANY and ITT MARLOW, mined, manufactured, processed, imported,
5 converted, compounded, supplied, installed, replaced, repaired, used, and/or retailed
6 substantial amounts of asbestos and/or asbestos-containing products, materials, or equipment,
7 including, but not limited to, asbestos-containing Bell & Gossett pumps and valves. In
8 addition, at all times material hereto, ITT, LLC, f/k/a ITT CORPORATION, ITT
9 INDUSTRIES INC., ITT FLUID PRODUCTS CORP., HOFFMAN SPECIALTY MFG.
10 CORP., BELL and GOSSETT COMPANY and ITT MARLOW, manufactured, processed,
11 imported, converted, compounded, supplied, installed, replaced, repaired, used, and/or
12 retailed products, materials, or equipment that required asbestos in order to operate, for
13 which concurrent use of asbestos was specified, or for which it was known asbestos would be
14 used concurrently. ITT, LLC, f/k/a ITT CORPORATION, ITT INDUSTRIES INC., ITT
15 FLUID PRODUCTS CORP., HOFFMAN SPECIALTY MFG. CORP., BELL and
16 GOSSETT COMPANY and ITT MARLOW, has done and does business in the State of
17 Washington.

20 17. Defendant, INGERSOLL-RAND COMPANY, was and is a company
21 incorporated under the laws of the State of New Jersey with its principal place of business in
22 North Carolina. At all times material hereto, INGERSOLL-RAND COMPANY mined,
23 manufactured, processed, imported, converted, compounded, supplied, installed, replaced,
24 repaired, used, and/or retailed substantial amounts of asbestos and/or asbestos-containing
25 products, materials, or equipment, including, but not limited to, asbestos-containing
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1 Ingersoll-Rand compressors and pumps, as well as Aldrich pumps. In addition, at all times
2 material hereto, INGERSOLL-RAND COMPANY manufactured, processed, imported,
3 converted, compounded, supplied, installed, replaced, repaired, used, and/or retailed
4 products, materials, or equipment that required asbestos in order to operate, for which
5 concurrent use of asbestos was specified, or for which it was known asbestos would be used
6 concurrently. INGERSOLL-RAND COMPANY has done and does business in the State of
7 Washington.
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9 18. Defendant, JERGUSON GAGE & VALVE COMPANY, d/b/a CLARK-
10 RELIANCE CORPORATION, was and is a company incorporated under the laws of the
11 State of Delaware with its principal place of business in Ohio. At all times material hereto,
12 JERGUSON GAGE & VALVE COMPANY, d/b/a CLARK-RELIANCE CORPORATION,
13 mined, manufactured, processed, imported, converted, compounded, supplied, installed,
14 replaced, repaired, used, and/or retailed substantial amounts of asbestos and/or asbestos-
15 containing products, materials, or equipment, including, but not limited to, asbestos-
16 containing Jerguson boiler, gauge and valve glasses. In addition, at all times material hereto,
17 JERGUSON GAGE & VALVE COMPANY, d/b/a CLARK-RELIANCE CORPORATION,
18 manufactured, processed, imported, converted, compounded, supplied, installed, replaced,
19 repaired, used, and/or retailed products, materials, or equipment that required asbestos in
20 order to operate, for which concurrent use of asbestos was specified, or for which it was
21 known asbestos would be used concurrently. JERGUSON GAGE & VALVE COMPANY,
22 d/b/a CLARK-RELIANCE CORPORATION, has done and does business in the State of
23 Washington.
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1 19. Defendant, JOHN CRANE, INC., was and is a company incorporated under
2 the laws of the State of Delaware with its principal place of business in Illinois. At all times
3 material hereto, JOHN CRANE, INC. mined, manufactured, processed, imported, converted,
4 compounded, supplied, installed, replaced, repaired, used, and/or retailed substantial amounts
5 of asbestos and/or asbestos-containing products, materials, or equipment, including, but not
6 limited to, asbestos-containing gaskets and packing. In addition, at all times material hereto,
7 JOHN CRANE, INC. manufactured, processed, imported, converted, compounded, supplied,
8 installed, replaced, repaired, used, and/or retailed products, materials, or equipment that
9 required asbestos in order to operate, for which concurrent use of asbestos was specified, or
10 for which it was known asbestos would be used concurrently. JOHN CRANE, INC. has
11 done and does business in the State of Washington.
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13 20. Defendant, McNALLY INDUSTRIES, LLC, individually and as successor-in-
14 interest to NORTHERN FIRE APPARATUS, was and is a limited liability company
15 incorporated under the laws of the State of Wisconsin with its principal place of business in
16 New York. After due diligence, Plaintiff was able to confirm with the Wisconsin Secretary
17 of State that McNALLY INDUSTRIES, LLC is composed of a sole member, Arsenal
18 HoldCo., LLC., which is a citizen of the State of Delaware. At all times material hereto,
19 McNALLY INDUSTRIES, LLC, individually and as successor-in-interest to NORTHERN
20 FIRE APPARATUS, mined, manufactured, processed, imported, converted, compounded,
21 supplied, installed, replaced, repaired, used, and/or retailed substantial amounts of asbestos
22 and/or asbestos-containing products, materials, or equipment, including, but not limited to,
23 asbestos-containing Northern pumps. In addition, at all times material hereto, McNALLY
24 INDUSTRIES, LLC, individually and as successor-in-interest to NORTHERN FIRE
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1 APPARATUS, manufactured, processed, imported, converted, compounded, supplied,
2 installed, replaced, repaired, used, and/or retailed products, materials, or equipment that
3 required asbestos in order to operate, for which concurrent use of asbestos was specified, or
4 for which it was known asbestos would be used concurrently. McNALLY INDUSTRIES,
5 LLC, individually and as successor-in-interest to NORTHERN FIRE APPARATUS, has
6 done and does business in the State of Washington.
7

8 21. Defendant, VELAN VALVE CORP., was and is a company incorporated
9 under the laws of the State of Delaware with its principal place of business in Vermont. At
10 all times material hereto, VELAN VALVE CORP. mined, manufactured, processed,
11 imported, converted, compounded, supplied, installed, replaced, repaired, used, and/or
12 retailed substantial amounts of asbestos and/or asbestos-containing products, materials, or
13 equipment, including, but not limited to, asbestos-containing Velan valves and steam traps.
14 In addition, at all times material hereto, VELAN VALVE CORP. manufactured, processed,
15 imported, converted, compounded, supplied, installed, replaced, repaired, used, and/or
16 retailed products, materials, or equipment that required asbestos in order to operate, for
17 which concurrent use of asbestos was specified, or for which it was known asbestos would be
18 used concurrently. VELAN VALVE CORP. has done and does business in the State of
19 Washington.
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21 22. Defendant, VIAD CORP. f/k/a THE DIAL CORPORATION, individually
22 and as successor to GRISCOM RUSSELL COMPANY, was and is a company incorporated
23 under the laws of the State of Delaware with its principal place of business in Washington.
24 At all times material hereto, VIAD CORP. f/k/a THE DIAL CORPORATION, individually
25 and as successor to GRISCOM RUSSELL COMPANY mined, manufactured, processed,
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1 imported, converted, compounded, supplied, installed, replaced, repaired, used, and/or
2 retailed substantial amounts of asbestos and/or asbestos-containing products, materials, or
3 equipment, including, but not limited to, asbestos-containing Griscom Russell distilling
4 plants. In addition, at all times material hereto, VIAD CORP. f/k/a THE DIAL
5 CORPORATION, individually and as successor to GRISCOM RUSSELL COMPANY
6 manufactured, processed, imported, converted, compounded, supplied, installed, replaced,
7 repaired, used, and/or retailed products, materials, or equipment that required asbestos in
8 order to operate, for which concurrent use of asbestos was specified, or for which it was
9 known asbestos would be used concurrently. VIAD CORP. f/k/a THE DIAL
10 CORPORATION, individually and as successor to GRISCOM RUSSELL COMPANY. has
11 done and does business in the State of Washington.
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14 23. Defendant, VIKING PUMP, INC., was and is a company incorporated under
15 the laws of the State of Delaware with its principal place of business in Iowa. At all times
16 material hereto, VIKING PUMP, INC. mined, manufactured, processed, imported,
17 converted, compounded, supplied, installed, replaced, repaired, used, and/or retailed
18 substantial amounts of asbestos and/or asbestos-containing products, materials, or equipment,
19 including, but not limited to, asbestos-containing Viking pumps. In addition, at all times
20 material hereto, VIKING PUMP, INC. manufactured, processed, imported, converted,
21 compounded, supplied, installed, replaced, repaired, used, and/or retailed products, materials,
22 or equipment that required asbestos in order to operate, for which concurrent use of asbestos
23 was specified, or for which it was known asbestos would be used concurrently. VIKING
24 PUMP, INC. has done and does business in the State of Washington.
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24. Defendant, WEIR VALVES & CONTROLS USA, INC., individually and as successor-in-interest to ATWOOD & MORRILL CO., INC., was and is a company incorporated under the laws of the State of Massachusetts with its principal place of business in Massachusetts. At all times material hereto, WEIR VALVES & CONTROLS USA, INC., individually and as successor-in-interest to ATWOOD & MORRILL CO., INC., mined, manufactured, processed, imported, converted, compounded, supplied, installed, replaced, repaired, used, and/or retailed substantial amounts of asbestos and/or asbestos-containing products, materials, or equipment, including, but not limited to, asbestos-containing Atwood & Morrill valves. In addition, at all times material hereto, WEIR VALVES & CONTROLS USA, INC., individually and as successor-in-interest to ATWOOD & MORRILL CO., INC., manufactured, processed, imported, converted, compounded, supplied, installed, replaced, repaired, used, and/or retailed products, materials, or equipment that required asbestos in order to operate, for which concurrent use of asbestos was specified, or for which it was known asbestos would be used concurrently. WEIR VALVES & CONTROLS USA, INC., individually and as successor-in-interest to ATWOOD & MORRILL CO., INC., has done and does business in the State of Washington.

25. Defendant, THE WILLIAM POWELL COMPANY, was and is a company incorporated under the laws of the State of Ohio with its principal place of business in Ohio. At all times material hereto, THE WILLIAM POWELL COMPANY mined, manufactured, processed, imported, converted, compounded, supplied, installed, replaced, repaired, used, and/or retailed substantial amounts of asbestos and/or asbestos-containing products, materials, or equipment, including, but not limited to, asbestos-containing Powell valves. In addition, at all times material hereto, THE WILLIAM POWELL COMPANY manufactured,

1 processed, imported, converted, compounded, supplied, installed, replaced, repaired, used,
2 and/or retailed products, materials, or equipment that required asbestos in order to operate,
3 for which concurrent use of asbestos was specified, or for which it was known asbestos
4 would be used concurrently. THE WILLIAM POWELL COMPANY has done and does
5 business in the State of Washington.
6

7 III. JURISDICTION

8 26. This Court has personal jurisdiction over the Defendants because the
9 Defendants are duly licensed to do business in the State of Washington and/or at all material
10 times are or have been engaged in business in the State of Washington.

11 27. Further, this Court has jurisdiction over the parties pursuant to 28 U.S.C.A.
12 §1332 because the parties to the suit are completely diverse in that none of the Defendants
13 are citizens of the same state as the Plaintiff. The amount in controversy exceeds Seventy-
14 Five Thousand Dollars (\$75,000.00), exclusive of interest and costs.
15

16 28. Pursuant to 28 U.S.C.A. §1391(2), venue is proper in this judicial district
17 because a substantial part of the events or omissions occurred in Washington.

18 29. Plaintiff has satisfied all conditions precedent to the filing of this action. All of
19 the named defendants are foreign corporations that are amenable to jurisdiction in the courts
20 of Washington, by virtue of their respective conduct of substantial and/or systematic business
21 in Washington or by virtue of their commission of tortious acts in Washington. At all
22 material times, each defendant corporation used, mined, manufactured, processed, imported,
23 converted, compounded, supplied, installed, replaced, repaired, incorporated into their
24 product design, and/or retailed substantial amounts of asbestos and/or asbestos-containing
25 products, materials, or equipment which were sold, distributed, and used in Washington.
26

1 Plaintiff, while working at PSNS, was exposed to various asbestos-containing products listed
2 in paragraphs 2 through 8, for which asbestos exposure the Defendants are jointly &
3 severally liable.

4 IV. FACTUAL BACKGROUND

5 30. Plaintiff is Sherri L. Deem, wife of decedent Thomas A. Deem and personal
6 representative of his estate. Plaintiff Sherri L. Deem resides in Silverdale, Washington.
7

8 31. For Decedent Thomas A. Deem:

9 A. Date of Birth: XX-XX-1953.

10 B. Plaintiff's decedent worked at Puget Sound Naval Shipyard ("PSNS")
11 from 1974 – 1981 as an apprentice and journeyman outside machinist.
12 During his employment at PSNS, up to approximately 1979, Plaintiff
13 was exposed to asbestos and/or asbestos-containing products
14 manufactured and/or sold by defendants.
15

16 C. During the employment referenced above, up to approximately 1979,
17 Plaintiff's decedent Thomas A. Deem was exposed to asbestos and
18 asbestos-containing products, and products manufactured for
19 foreseeable use with asbestos products, manufactured, used, and/or
20 sold by defendants.
21

22 D. Plaintiff believes Plaintiff's decedent has been exposed to the
23 asbestos-containing products, and products manufactured for
24 foreseeable use with asbestos products, of every named defendant in
25 this lawsuit.
26

1 E. As a result of this exposure, Plaintiff's decedent Thomas A. Deem
2 developed an asbestos-related disease, specifically mesothelioma. He
3 first learned in approximately February 2015 that he had
4 mesothelioma, caused by asbestos exposure. Plaintiff has been treated
5 for his asbestos-related disease, namely mesothelioma, by Dr.
6 Malcolm Winter.
7

8 V. LIABILITY AND RELIEF

9 32. Defendants are foreign corporations who, at all relevant times, have done
10 business in the State of Washington.

11 33. Each defendant corporation or its predecessor-in-interest manufactured and/or
12 put asbestos, asbestos-containing products, and products manufactured for foreseeable use
13 with asbestos products, into the stream of commerce and/or used asbestos containing material
14 at work sites where Plaintiff's decedent Thomas A. Deem worked.
15

16 34. Plaintiff claims liability based upon the theories of product liability, including,
17 but not limited to negligence, strict product liability (for example, Restatement (Second) of
18 Torts § 402A), premises liability, the former RCW 49.16.030, and any other applicable
19 theory of liability, including, if applicable, RCW 7.72 et seq.
20

21 35. The manufacturer/distributor defendants identified above are liable for, among
22 other things, the following conduct: negligent and unsafe design; failure to inspect, test,
23 warn, instruct, monitor and/or recall; failure to substitute safe products; marketing products
24 not reasonably safe as manufactured; marketing products not reasonably safe as designed;
25 and marketing products not reasonably safe for lack of adequate warnings.
26

1 36. These actions or omissions of defendants, and each of them, proximately
2 caused severe personal injury and other damages to Plaintiff's decedent, including his death.

3
4 VI. DAMAGES

5 37. Plaintiff incorporates by reference the preceding paragraphs as if fully set
6 forth herein.

7 38. As a result of the development of asbestos related diseases, Plaintiff's
8 decedent has suffered and sustained very serious injuries to his person, to wit: mesothelioma.

9 39. Plaintiff's decedent had further suffered great pain, extreme nervousness, and
10 mental anguish as a direct result of the aforesaid injuries.

11 40. Plaintiff verily believes that Plaintiff's decedent's injuries and illnesses were
12 recurrent in nature and that he was forced to suffer same for the remainder of his life; that his
13 enjoyment of life had been greatly impaired; and further, that his expected life span had been
14 greatly shortened.

15 41. Plaintiff alleges that as a result of the aforesaid illnesses, Plaintiff's decedent
16 had been forced to incur medical expenses by way of doctor and drug bills and verily
17 believes that he had been forced to incur additional expenses in an effort to treat his illnesses
18 as aforesaid alleged.

19 42. Plaintiff Sherri L. Deem has suffered and will suffer damages for loss of
20 companionship, services and consortium.

21 43. Plaintiffs' children have also suffered and will suffer damages for loss of love,
22 care, and companionship.

23 44. WHEREFORE, Plaintiff Sherri L. Deem verily believes she is entitled to
24 actual damages against the Defendants, jointly and severally, by reason of said negligence,
25
26

1 gross negligence, breach of warranty, failure to warn and other breaches of duty as alleged
2 herein proximately caused by the fault of the Defendants, lost wages, special damages, and
3 punitive damages in an amount to be determined by the trier of fact, plus the costs of this
4 action.

5
6 45. WHEREFORE, Plaintiff prays for judgment against the Defendants and each
7 of them as follows:

8 A. Award the Plaintiff compensatory damages, in an amount to be
9 determined at trial;

10 B. Award the Plaintiff punitive damages, if applicable;

11 C. Award the Plaintiff pre-judgment and post-judgment interest and any
12 other costs, expenses or fees to which the Plaintiff may be entitled by
13 law; and

14 D. Award the Plaintiff such other and further relief as is just and proper.
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DATED this 28th day of June, 2018.

s/Thomas J. Breen
THOMAS J. BREEN, WSBA #34574

s/Elizabeth McLafferty
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